

# **SAN LUIS OBISPO COUNTY**

## **POLICY AGAINST DISCRIMINATION, SEXUAL HARASSMENT AND RETALIATION**

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### **I. GENERAL POLICY STATEMENT**

The Board of Supervisors of San Luis Obispo County maintains a strong commitment to support equal employment opportunity and to prevent and prohibit discrimination, sexual harassment and retaliation in employment. This commitment is reflected in this policy, the County's core values statement, and the Board's ongoing support for discrimination and harassment prevention programs. All employees are required to report, as soon as possible, any conduct that is believed to violate this policy. Such conduct need not rise to the level of a violation of law to violate this policy. Conduct which may lead to discrimination, harassment or retaliation is in violation of this policy and will not be tolerated. Violation of this policy by any officer, employee, agent, or volunteer shall be grounds for discipline or other appropriate sanctions. In support of this policy, all County departments are required to provide, and all County employees are required to attend, discrimination and harassment prevention training on an annual basis. This policy may be modified by the Human Resources Director as needed to comply with changes in state or federal law, or for administrative reasons.

### **II. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The County maintains and promotes a policy of equal employment opportunity within the County. The County is committed to maintaining a work environment that is merit based, and free from discrimination. The Board of Supervisors, its managers, employees, agents, and volunteers will not discriminate against any applicant for employment, employee, contractor, subcontractor, vendor, or client because of age, ethnicity, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, pregnancy, race, religion, sex, sexual orientation, gender expression or identity, or any other legally protected status.

This policy shall apply to all employment actions including, but not limited to: recruitment, testing, hiring, training, promotion, demotion, transfer, layoff, discipline, salary and benefits administration, and participation on or appointment to all County boards and commissions. All employment decisions shall be made on the basis of individual qualifications, bona fide occupational qualifications for the job in question, and the feasibility of any necessary job accommodations.

The employment goal of the County is to develop an employee population that is representative of the general population of San Luis Obispo County. The County will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of the County's Equal Employment Opportunity (EEO) Plan, and through its review and evaluation of hiring, promotional and employment policies and procedures.

### **III. POLICY AGAINST DISCRIMINATORY HARASSMENT**

The County of San Luis Obispo maintains a zero-tolerance policy prohibiting discriminatory harassment in the workplace. The County is committed to providing a work environment in which all individuals are treated with respect and professionalism. Employees must not harass anyone because of race, color, gender, marital status, national origin, religion, medical condition, physical or mental disability, sexual orientation, gender identity or expression, or because the person is 40 years old or older. Employees also must not harass anyone for opposing discrimination or for participating in the discrimination complaint process.

Discriminatory harassment can be written, verbal, or physical conduct that denigrates or shows hostility or aversion toward an individual based on his or her protected status as described above. Harassing conduct includes, but is not limited to, epithets, "jokes," slurs or negative stereotyping, threatening or hostile acts, and written or graphic material that demeans or denigrates an individual or group because of any characteristic protected by law. In general, harassment can be against the law when it creates an intimidating, hostile, or offensive working environment, when it interferes with an individual's work performance, or when it adversely affects an individual's employment opportunities.

Any employee who believes he or she has been the target of discriminatory harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to his or her supervisor or manager, the department's Discrimination/Harassment Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department

### **IV. POLICY AGAINST SEXUAL HARASSMENT**

San Luis Obispo County maintains a zero-tolerance policy prohibiting sexual harassment in the workplace. The County is committed to providing a work environment free of sexual harassment. Sexual harassment is a form of sex discrimination that is illegal under both state and federal law and constitutes employee misconduct for which disciplinary action, up to and including termination, may result. San Luis Obispo County requires that all employees treat the public and other employees with courtesy and respect.

Sexual Harassment includes unwelcome sexual overtures by any officer, employee, supervisor or manager, whether written, verbal, physical or visual where submission is made a term or condition of employment or the basis of an employment decision. Sexually harassing conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Three basic forms of sexual harassment include:

- 1) Offers of employment rewards for sexual favors, including threats of employment punishment if sexual activities are not engaged in—also termed "quid pro quo" harassment.
- 2) Creating an intimidating, hostile, threatening and/or offensive work environment through verbal acts, physical acts and graphic displays which interfere with an individual's job performance.
- 3) Retaliation against an employee for submitting complaints of alleged sexual harassment.

**Because the County seeks to prevent any form of sexual harassment, behavior such as unnecessary touching, sexual remarks or joking which may lead to illegal sexual harassment is a violation of this policy and shall be the basis for discipline.**

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to his or her supervisor or manager, the department's Discrimination/Harassment Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department

## **V. POLICY AGAINST RETALIATION**

San Luis Obispo County maintains a zero-tolerance policy prohibiting any adverse employment action against those who in good faith report, or supports someone who reports violations of County policy or state/federal law, or engages in other legally protected activity. The County further prohibits retaliation against anyone who participates (as witnesses or accused) in investigations into complaints of alleged misconduct. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. This policy applies to all County officials, officers, employees, volunteers, contractors and vendors, and prohibits retaliation because of any of the protected activity as defined herein.

"Protected activity" may include, but is not limited to, any of the following:

- Filing a complaint with the County or a federal or state enforcement or administrative agency
- Participating in or cooperating with a County investigation or cooperating with a federal or state enforcement agency that is conducting an investigation of the County regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Filing a Workers Compensation claim

"Adverse action" may include, but is not limited to, any of the following:

- Threats or intimidation, which may dissuade or prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire or promote an individual because of protected activity
- Taking adverse employment action or disciplinary action because of protected activity

## **VI. POLICY TO INVESTIGATE REPORTED DISCRIMINATION OR HARASSMENT**

It is the policy of the County to investigate all allegations of discrimination or harassment, including those in which anonymity is requested. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department. Upon notification, the Human Resources Department will ensure that allegations of discrimination or sexual harassment are investigated.